

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43978

STATE OF IDAHO,) 2016 Unpublished Opinion No. 721
)
Plaintiff-Respondent,) Filed: October 5, 2016
)
v.) Stephen W. Kenyon, Clerk
)
GENE BENJAMIN KASTNER,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Cheri C. Copey, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of three years, for child custody interference, affirmed.

Eric D. Fredericksen, Interim State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and HUSKEY, Judge

PER CURIAM

Gene Benjamin Kastner was found guilty of child custody interference. Idaho Code § 18-4506. The district court sentenced Kastner to a unified term of five years with three years determinate. Kastner appeals asserting the district court abused its discretion by imposing an excessive sentence.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App.

1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Kastner's judgment of conviction and sentence are affirmed.